

## Types of software piracy

### **1. Counterfeiting**

When unauthorized copies of software are duplicated and sold as “legitimate copies” produced or authorized by the legal publisher. Typically the counterfeiter will use FileMaker logos and trademarks to make the product look like legitimate FileMaker software; however, some counterfeiters simply copy the product on disks without any silkscreen, sometimes handwriting the name of the product right on the disk and placing the disk in a plastic jewel case without any retail packaging.

### **2. CD-R piracy**

When a software program is copied using CD-R recording technology (CD-R technology is a recordable disk medium that is typically used to “burn” copies of music and movies and often has serial numbering on the plastic inner ring of the CD). This form of piracy occurs when an individual makes a copy of a software program and re-distributes it to friends or for resale. Although there is some overlap between CD-R piracy and counterfeiting, with CD-R piracy there may be no attempt to try to pass off the illegal copy as a legitimate copy (CD-R copies may have hand-written labels and no documentation at all). With CD recording equipment becoming relatively inexpensive, this new form of end-user piracy is plaguing the software industry. FileMaker software is always manufactured on CD-ROM media, not CD-R media.

### **3. Softlifting**

When an individual purchases a single licensed copy of a software program and loads it on several machines, usually in violation of the terms of the license agreement. Typical examples of softlifting include “sharing” software with friends and co-workers or installing software on home/laptop computers that are not allowed by the license. Softlifting is the most prevalent type of software piracy—and one of the easiest to catch.

### **4. Unrestricted client access**

When an individual copies a software program onto an organization's servers and the organization's network “clients” are allowed to freely access the software in violation of the terms of the license agreement. This is a violation when the organization has a “single instance” license that permits installation of the software onto a single computer, rather than a client-server license that allows concurrent server-based network access to the software. A violation also occurs when the organization has a client-server license and the organization is not enforcing user restrictions outlined in the license. Unrestricted client access piracy is similar to softlifting, in that it results in more employees having access to a particular program than are permitted under the license for that software. Unlike softlifting though, unrestricted client access piracy occurs when the software is loaded onto a company's server—not on individual machines—and clients are permitted to access the server-based software application through the organization's network.

### **5.**

**Hard-disk loading**

When an individual or company sells computers preloaded with illegal copies of software. Oftentimes, a vendor will preload illegal copies of software as an incentive to get the buyer to purchase hardware. If you buy or rent computers with preloaded software, the vendor's documentation must specify the name of any preloaded software and that the software is a legal, licensed copy. If you do not see this information and the vendor is unwilling to supply you with the proper documentation, do not deal with that vendor. FileMaker offers assistance in finding qualified resellers through our website.

**6. OEM piracy/unbundling**

When original equipment manufacturer (OEM) software is copied and sold separately from the hardware. This is a violation of the distribution contract between the vendor and the software publisher. FileMaker does not distribute OEM software, so if you find an online business or auction site describing FileMaker software as OEM, be on the look out for illegal software.

**7. Commercial use of noncommercial software**

When educational or other commercial-use-restricted software is used in violation of the software license. Software companies will often market special non-commercial software to specific industries. For example, many software companies sell versions of their software to educational institutions at a reduced price. Acquiring and using noncommercial software hurts not only the software publisher, but also the institution that was the intended recipient of the software.

**8. Internet piracy**

Internet piracy is also defined as making available or offering for sale pirated software over the Internet (for example, offering software through an auction site, IM, IRC or a warez site). Incidences of Internet piracy have risen exponentially over the last few years.

**9. Manufacturing plant sale of overruns and 'scraps'**

When software publishers authorize CD manufacturing plants to produce copies of their software onto CD-ROM for distribution to their authorized vendors for resale to the public and the plant produces more copies of the software than authorized and resells these unauthorized overruns. Piracy also occurs when the publisher orders the plant to destroy any CDs not distributed to its vendors, but the plant, in violation of these orders, resells the CDs.

**10. Renting**

When an individual rents software for temporary use, like they would a movie. Renting is rare and was made illegal in the United States by the Software Rental Amendments Act of 1990 and in Canada by a 1993 amendment to the Copyright Act.